

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

United States of America,

Case No. 22-cr-214 (2) (ECT/DJF)

Plaintiff,

v.

ORDER

Cleveland Cornell Longmire,

Defendant.

This matter is before the Court on the parties' motions for discovery, disclosure, and other non-dispositive relief. Having reviewed the parties' submissions, the Court does not believe a hearing is necessary or helpful to resolve these disputes. Based on the non-dispositive motions, and on the entire file, the Court enters the following Order.

I. The Government's Motion for Discovery (ECF No. [19])

The Government seeks discovery and disclosure as required by Rules 16(b), 12.1, 12.2, 12.3 and 26.2 of the Federal Rules of Criminal Procedure. The Government's motion is **GRANTED** insofar as Mr. Longmire shall provide discovery to the extent required by the applicable Rules. With respect to expert discovery pursuant to Rules 16(a)(1)(G) and 16(b)(1)(C), the following deadlines shall apply:

- a. Initial expert disclosures: **28** days prior to trial.
- b. Rebuttal expert disclosures: **14** days prior to trial.

II. Mr. Longmire's Motion for Discovery Pursuant to Fed. R. Civ. P. 16 (ECF No. [40])

Mr. Longmire's motion is **GRANTED** insofar as the Government shall provide discovery to the extent required by Rules 16 and 26.2 of the Federal Rules of Civil Procedure, *Brady v.*

Maryland, 373 U.S. 83 (1963), the *Jencks* Act, and all other applicable statutory and constitutional rules. With respect to expert discovery pursuant to 16(a)(1)(G) and 16(b)(1)(C), the following deadlines shall apply:

- a. Initial expert disclosures: **28** days prior to trial.
- b. Rebuttal expert disclosures: **14** days prior to trial.

II. Mr. Longmire's Motion to Retain Agents' Notes (ECF No. [41])

As the Court previously ordered (ECF No. 17 ¶ 4), Mr. Longmire's Motion for an order requiring the Government's investigators to retain and preserve their rough notes is **GRANTED**. Disclosure of rough notes is not required at this time.

III. Mr. Longmire's Motion for Disclosure of Rule 404(b) Evidence (ECF No. [42])

Mr. Longmire's motion for disclosure of evidence the Government may introduce pursuant to Federal Rules of Evidence 404(b) and 608(b) is **GRANTED**. The Government shall provide the notice required by Rule 404(b) at least twenty-eight days before trial, but the Court encourages the Government to disclose such evidence as soon as practicable to avoid unnecessary delays. The notice requirement does not apply to evidence that is inextricably intertwined with the offense conduct charged.

With respect to Rule 608(b), the Government shall produce any materials relating to specific acts of Mr. Longmire's conduct that are probative of his character for truthfulness (aside from any felony convictions) at the time it produces its Rule 404(b) materials, if it intends to use any such materials for impeachment of Mr. Longmire. *See United States v. Martz*, 964 F.2d 787, 789 (8th Cir. 1992) (citing *United States v. Hastings*, 577 F.2d 38, 40-41 (8th Cir. 1978)) ("[Rule] 608(b) gives the court discretion to allow questioning during cross-examination on specific bad acts not resulting in the conviction for a felony if those acts concern the witness' credibility.").

Dated: April 20, 2023

s/Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge